

Remarks

The Applicants have amended Claims 1 and 7, cancelled Claims 6 and 8, and added new Claims 13, 14, 15, 16, 17, 18, 19, 20, and 21.

The Applicants extend their thanks to the Examiner for the indication that dependent Claims 6 and 8 contain allowable subject matter. The subject matter of these claims has been incorporated into independent method Claim 1 and independent apparatus Claim 7, respectfully, and so Claims 1 and 7 should now be in condition for immediate allowance, there being no intervening claims. Claims 6 and 8 have been cancelled since the subject matter of these claims is now incorporated into independent Claims 1 and 7.

Claims 2 through 5, which depend on Claim 1, and Claims 9 and 10, which depend on Claim 7, should now be in condition for immediate allowance since these claims depend from subject matter that has been indicated to be allowable.

Claim 2, prior to amendment, stood rejected based on non-statutory obviousness type double patenting based on, as a primary reference, Varnon et al. (U.S. Patent No. 6,902,246 B2) considered in combination with other references. No Terminal Disclaimer should be necessary to overcome this rejection since Claim 2 now depends on subject matter indicated to be allowable.

The subject matter of Claim 2 as originally presented has been re-presented as new independent method Claim 13, which includes the subject matter of Claims 1 and 2 as originally filed. Applicants also present new apparatus Claim 17, which includes subject matter corresponding to the subject matter of Claim 2 as originally filed and that of independent apparatus Claim 7 as filed. Applicants submit herewith a Terminal Disclaimer regarding the Varnon et al. patent since new Claims 13 and 17 have been presented. The assignee of the Varnon et al. reference owns the present pending application, but not the others that were cited in combination with Varnon et al.

In view of the Terminal Disclaimer, rejection of new Claims 13 and 17 should be obviated. Independent Claim 13 and Claims 14 through 16 that depend thereon and new independent Claim 17 and Claims 18, 19 and 20 that depend thereon should be in condition for immediate allowance. Claims 14 through 16 correspond to dependent Claims 4 through 6 as filed, these claims having been recast to be dependent on new Claim 13.

Independent Claim 11 stands rejected as unpatentable based on non-statutory obviousness type double patenting based on the same combination of references as was Claim 2 as originally submitted. However, no Terminal Disclaimer should be required since Claim 11 recites: 1) a build environment having a build platform for supporting the three-dimensional object while it is being formed; 2) at least one dispensing device adjacent said build platform for dispensing said material to form layers of the three-dimensional object; and 3) a computer controller for receiving object data descriptive of the three-dimensional object and for processing the data and controlling the apparatus when forming the three-dimensional object. In contrast to Claim 11, the references cited by the Examiner in combination with the commonly assigned Varnon et al. patent, which are Isayama et al. (U.S. Patent No. 4,301,459) and Sugiyama (U.S. Patent No. 6,609,780), are not analogous art. There is no motivation to combine the Isayama et al. and Sugiyama references with the Varnon et al. patent. The Isayama et al. and Sugiyama references do not disclose or suggest three dimensional objects as is recited throughout Claim 11. Claim 11 should now be in condition for immediate allowance.

Claim 12, which depends on Claim 11, was also rejected as unpatentable based on non-statutory obviousness type double patenting based on the commonly assigned Varnon et al. patent, considered in combination with the Isayama et al. and Sugiyama et al. references and also in combination with Heinzl et al. (U.S. Patent No. 4,149,172). However, no Terminal Disclaimer should be required since Heinzl et al. does not disclose or suggest three dimensional objects as is recited throughout Claim 11 and from which Claim 12 depends, and also does not disclose or suggest an internal mesh filter located within a bubble removal device as is recited in Claim 12. Heinzl et al. is not analogous art and there is no motivation to combine the Heinzl et

al. reference with the Varnon et al. patent. Even considered in combination, the combination of the Varnon et al. patent with the Heinzl et al., Isayama et al., and Sugiyama references does not disclose or suggest a bubble removal vessel that includes an internal mesh filter. The filter of Heinzl et al. is a capillary filter located downstream of an air receiver. Claim 12 should be in condition for immediate allowance.

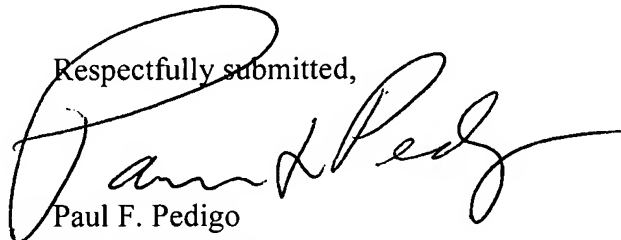
Applicant presents new independent apparatus Claim 21, which is directed to the bubble removal vessel of the invention and recites the elements thereof. Support for this new claim can be found in Claim 8 as filed, the subject matter of which has been indicated to be allowable, in the specification at pages 15 through 18, and in the drawings. None of the references of record disclose or suggest a bubble removal vessel having these elements, whether considered alone or in combination.

Claims 1 through 5, 7, 9 through 12, and new Claims 13 through 21, should all be in condition for immediate allowance and an early indication of the allowance of these claims is earnestly solicited.

Conclusion

The Applicants note that a fee for three additional independent claims is due for filing this Amendment. The Applicants pay this fee by check. If additional fees are required or if any credits are due, the Examiner is hereby authorized to charge or credit Deposit Account No. 50-0332 as appropriate.

Respectfully submitted,



Paul F. Pedigo
Reg. No. 31,650

021176
SUMMA, ALLAN & ADDITON, P.A.
11610 North Community House Road
Suite 200, Ballantyne Corporate Park
Charlotte, NC 28277-2162
Phone: 704-945-6718
Fax: 704-945-6735

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